

REMARKS

The invention embodied in Claims 10-14 refers to a process for decomposing organic compounds present in waste water. The process requires first obtaining waste water that is described in terms of its contents of TOC, dissolved carbonic acid or carbonates, common salt and pH. The thus described waste water is treated with ozone under recited conditions of time, temperature and pressure to obtain water having lowered content of TOC.

Claims 10-14 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 6,387,241 (Murphy) in view of U.S. Patent 6,423,236 (Shiota).

Murphy disclosed a method for producing ozone and uses of ozone. Ozonation is said to remove phenols (column 1, line 32) although the medium from where the phenol is removed is not disclosed. Also disclosed (column 31, lines 1-8) is the use of ozone in treatment of waste water. Contrary to the Examiner no mention is made in column 31, lines 1-64 of "ranges of pressure, temperature and time period to treat water" in any presently relevant manner.

Shiota that disclosed a method of treating waste water is said by the Examiner to have been cited to show the contaminants that are usually present in waste water.

The texts (column 3, lines 14-50 , column 13, lines 20-25 and column 12, lines 10-15) indicated by the Examiner to be relevant are noted to include nothing relative to the contents of common salt; sodium chloride is mentioned in column 12, line 14 in reference to the type of a reverse osmosis membrane and not to the content of waste water.

Applicants respectfully disagree with the Examiner's statement relative to the presence of common salt in waste water. The cited document provides no hint as to the presently recited content of common salt.

Applicants respectfully submit that the cited art falls short of the prima facie case of obviousness and that the rejection thereover is untenable. Reconsideration of the rejection in view of the above and its retraction are solicited.

The invention embodied in Claims 15 -18 relates to a process for producing chlorine. The process entails obtaining waste water described in terms of its contents of TOC, dissolved carbonic acid or carbonates, common salt and pH, treating the water with ozone under recited conditions of time, temperature and pressure to obtain water having lowered content of TOC and subjecting the resulting salt solution to electrolysis.

Claims 15-18 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 4,085,014 (Bennett) in view of Murphy.

Bennett disclosed removing iron and manganese impurities from sea water, the process entailing pre-treating of the saline solutions with sodium hypochlorite solutions.

Murphy has been discussed above.

Applicants note first that Bennett's "sea water" describes neither the "waste water" referred to by Murphy nor the waste water of the present invention.

It is not clear and the Examiner failed to explain how or why the Bennett document may at all be combined with Murphy, much less for the purpose of denying patentability to the pending claims.

The law requires a motivating reason to combine the elements. The relevant inquiry is not whether the several elements of the claimed invention existed in the prior art, but whether the art made obvious the invention as a whole. An essential factor in structuring a valid rejection sounding in obviousness is the incentive to combine. See W.L.Gore & Associates, Inc. v. Garlock, Inc. 6 USPQ2d 1277 Fed. Cir. 1988) .

Here, not only is salt in an amount of 2-20 wt%, a key element of the present invention, missing from the cited art, there is no direction or guidelines as to how or why the disclosed elements may be combined.

The rejection of Claims 15-18 over Bennett in view of Murphy is clearly untenable. Reconsideration and withdrawal of the rejection is respectfully solicited.

Believing the above represents a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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